

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Community Affairs offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Chapter 59-556, Laws of Florida, 1959, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The Lake Apopka Natural Gas District is re-created and reenacted to read:

Section 1. The legislative findings contained in section 1 of chapter 59-556, Laws of Florida, 1959, are reaffirmed. It is hereby determined, found, and ascertained that:

(1) The municipalities of Apopka, Winter Garden, and Clermont, Florida, made such application, or applications, as were necessary and proper to obtain an allocation of natural gas for the use of the inhabitants of such cities and surrounding environs.

(2) Other nearby municipalities may likewise seek allotments of natural gas and it is deemed that the most

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1 economical method by which such municipalities can avail
2 themselves of such gas, if allotments therefor be granted, is
3 through the construction of a transmission line system
4 designed to serve all of the above named municipalities and
5 such others whose corporate authorities shall elect to
6 participate in the project as hereinafter authorized.

7 (3) The most advantageous and economical method of
8 affecting the construction of such project and financing the
9 same is through the establishment of a district which shall be
10 empowered to:

- 11 (a) Cause the construction of the project;
- 12 (b) Finance the same through the issuance of revenue
13 obligations payable from the earnings of such system; and
- 14 (c) Operate and maintain the same for the benefit of
15 the municipalities which it serves.

16 Section 2. Definitions.--Whenever used in this act,
17 unless a different meaning clearly appears from the context:

18 (1) The term "gas transmission system" shall mean and
19 include a supply of natural gas, whether acquired from wells
20 or deposits or from a pipe line or other source of supply and
21 a pipe line or lines, plant and system for the acquisition and
22 the transportation, transmission, and delivery of natural gas
23 or a plant for the manufacture or storage of gas and the
24 transportation, transmission, and delivery thereof, together
25 with all property and all appurtenances thereto, real,
26 personal, or mixed, used or useful in connection therewith,
27 including franchises, rights-of-way, and easements. A gas
28 transmission system may include facilities for making
29 deliveries of gas to industrial and commercial users as well
30 as to gas distribution systems.

31 (2) The term "gas distribution system" shall mean and

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1 include a plant and system for the distribution and sale of
2 gas and gas services in a municipality and the surrounding
3 territory, including the sale and distribution of gas to
4 residential, commercial, industrial, institutional, and other
5 users, together with all appurtenances thereto and all
6 property, real, personal, or mixed used or useful in
7 connection therewith, including franchises, rights-of-way, and
8 easements.

9 (3) The term "system" shall mean and include a gas
10 transmission system or systems and a gas distribution system
11 or systems, or any one or more thereof.

12 (4) The term "district" shall mean the territory,
13 hereinafter particularly described, located in portions of
14 Orange and Lake Counties, as re-created and reestablished by
15 this act.

16 (5) The terms "board of commissioners" and "board"
17 shall mean the board of commissioners hereinafter provided for
18 and constituting the governing body of the district.

19 (6) The term "municipality" shall mean and include
20 incorporated cities, towns, and villages and other municipal
21 corporations within the district.

22 (7) The term "member municipalities" shall mean the
23 municipalities of Apopka, Winter Garden, and Clermont.

24 (8) The term "bonds" shall mean and include the bonds,
25 notes, certificates, refunding bonds, or other financial
26 obligations in either temporary or definitive form which the
27 district is authorized to issue pursuant to this act.

28 (9) Words importing singular number shall include the
29 plural number in each case and vice versa, and words importing
30 persons shall include firms and corporations.

31 Section 3. Creation and establishment.--The creation

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1 and establishment of a body corporate and an independent
2 special district, whose existence shall be perpetual, to be
3 known as "The Lake Apopka Natural Gas District," by chapter
4 59-556, Laws of Florida, 1959, is hereby reaffirmed and
5 reenacted. The objects and purposes of the district shall be:
6 (1) To acquire by purchase, lease, or construction,
7 and to own, finance, operate, maintain, extend, and improve,
8 one or more gas systems described as follows:
9 (a) A gas transmission system or systems to serve gas
10 to customers within or without municipalities and/or to such
11 of the member municipalities and such other municipalities in
12 its area of service as the district may determine to serve,
13 with an adequate supply of natural and/or manufactured gas, at
14 such point or points as the district may determine, provided
15 that before the district may serve any municipality within the
16 district but not a member thereof, it shall first be granted a
17 franchise by said municipality.
18 (b) A gas transmission line or lines for the purpose
19 of supplying gas to customers within the district.
20 (c) A gas manufacturing plant or plants and system or
21 systems.
22 (d) Such gas distribution system or systems serving
23 such member municipalities, as well as the surrounding
24 unincorporated area or areas and other such municipalities as
25 the district or its board of commissioners may determine;
26 provided that such service shall be confined to areas or
27 municipalities within the district.
28 (e) Such other facilities and lines as may be
29 necessary or desirable to serve such other customers along its
30 supply lines as the district may determine to serve or be
31 obligated to furnish service under the laws of Florida or the

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1 United States, provided such service is confined to customers
2 located within the district.

3 (f) The district may itself own and operate gas
4 distribution systems in its area of service, whether in a
5 municipality which is a member of the district or in some
6 other municipality or in unincorporated territory.

7 (2) To acquire by manufacture, purchase, or otherwise,
8 natural or manufactured gas from any source whatsoever, public
9 or private, now or hereafter available and to transport and
10 transmit such gas so as to make the same available for sale
11 and to sell and deliver gas to or within each of the member
12 municipalities and to industrial and institutional users and
13 to line tap commercial and residential users and to gas
14 distribution systems within the area of service of the
15 district, whether such gas distribution system is publicly or
16 privately owned.

17 Section 4. Area of service.--The territorial limits
18 and area of service of the district shall embrace and include
19 the following described property lying and being in portions
20 of Orange and Lake Counties, Florida:

21
22 Beginning at the Southwest corner of Section
23 31, Township 23 South, Range 24 East, in Lake
24 County; thence east along the south boundary of
25 Township 23 south to the southeast corner of
26 Section 35, Township 23 South, Range 28 east;
27 thence north along said Section line to the
28 northwest corner of Section 1, Township 22
29 south, Range 28 east; thence east along the
30 Township line between Townships 21 and 22 south
31 to the southeast corner of Section 33, Township

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1 21 south, Range 29 east; thence north along
2 said Section line to the northeast corner of
3 Section 28, Township 21 south, Range 29 east;
4 thence west to the northwest corner of Section
5 30, Township 21 south, Range 29 east; thence
6 north to the northeast corner of Section 36;
7 Township 20 south, Range 28 east; thence
8 northeasterly along the meandering of the
9 Wekiva River to its intersection with the
10 Township line between Townships 19 and 20
11 south; thence west along said Township line to
12 the northwest corner of Section 6, Township 20
13 south, Range 27 east, thence south along said
14 Range 27 east; thence south along said Range
15 line to the northeast corner of Section 1,
16 Township 21 south, Range 26 east; thence west
17 along said Township line to the northwest
18 corner of Section 6, Township 21 south, Range
19 24 east; thence south along said Range line to
20 the point of beginning.

21
22 The district, however, may acquire a supply of gas either
23 within or without its territorial boundaries and either within
24 or without the state and may transport and transmit from the
25 point of such acquisition to the system or systems of the
26 district.

27 Section 5. Declaration of policy.--It is hereby found
28 and declared that in the construction, acquisition,
29 improvements, maintenance, operation, and extension in any or
30 all of said gas system the district will be exercising a
31 proper governmental function.

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1 Section 6. Members of the district.--Members of the
2 district shall be the municipalities of Apopka, Winter Garden,
3 and Clermont.

4 Section 7. Powers of the district.--The district shall
5 have each and all of the following powers, together with all
6 power incidental thereto or necessary to the discharge
7 thereof:

8 (1) To sue and be sued and to defend suits against it;

9 (2) To have and use an official seal for attesting
10 bonds and other official acts and deeds and to alter same at
11 pleasure;

12 (3) To receive, acquire, take, and hold, whether by
13 purchase, gift, or lease, devise or otherwise, real, personal,
14 or mixed property of any nature whatsoever that the board of
15 commissioners may deem a necessary or convenient part of, or
16 useful in connection with, any system or systems herein
17 authorized;

18 (4) To make contracts extending over a period not
19 exceeding 40 years for a supply or supplies of natural gas and
20 for the sale and delivery of natural or manufactured gas;

21 (5) To contract for the design, construction,
22 extension, and repairs of any natural gas transmission and/or
23 distribution system or for facilities and services connected
24 therewith which the board shall in its discretion determine
25 are necessary or desirable for the district;

26 (6) To contract with any person, firm, or corporation
27 for the entire supervision, operation, and management of any
28 one or more of the systems of the district, including the
29 collection and distribution of the revenue therefrom for such
30 period of time as the board may deem advisable not exceeding
31 10 years and at such compensation and upon such terms as may

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- 1 be agreed upon and approved by the board of commissioners;
2 (7) To borrow money for any authorized purpose and to
3 issue in evidence of the borrowing interest bearing bonds
4 payable solely from the revenues derived from the revenues
5 derived from the operation of any one or more of its systems;
6 (8) To pledge to the payment of its bonds any revenues
7 from which said bonds are made payable;
8 (9) To make such covenants in connection with the
9 issuance of bonds or in order to secure the payment of bonds,
10 as are needful to secure and protect the rights of the holders
11 of such bonds, notwithstanding that such covenants may operate
12 as limitations on the exercise of other powers granted by this
13 act;
14 (10) To establish, by resolution, rates and charges
15 which shall be uniform throughout the district as to each
16 class of consumer;
17 (11) To collect and enforce collection of such
18 charges, by all legal means including, but not limited to,
19 requiring customers, as a condition of receiving goods and
20 services from the district, to make a cash deposit to assure
21 payment of the charges made by the district for such goods and
22 services and to accept surety bonds, letters of credit, and
23 other forms of financial guaranty in lieu of cash deposits;
24 (12) To lease, exchange, sell, convey, and otherwise
25 dispose of its real, personal, or mixed property by any form
26 of conveyance or transfer;
27 (13) To appoint and employ officers, agents, and
28 employees, including attorneys, as its business may require,
29 to prescribe their duties, to fix their compensation, and to
30 determine to what extent they shall be bonded for the faithful
31 performance of their duties;

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1 (14) To provide for such insurance as its board of
2 commissioners may deem advisable;

3 (15) To retain and confer upon a corporate trustee the
4 power to make disposition of the proceeds from all borrowing
5 and all revenues derived from the operation of the system, in
6 accordance with the resolution adopted by the board as an
7 incident to the issuance of any notes, bonds, or other types
8 of securities; and

9 (16) To exercise all powers of eminent domain now or
10 hereafter conferred on counties in this state provided,
11 however, that such power of eminent domain may not be
12 exercised outside the territorial limits of the district. The
13 powers hereinabove granted to the district shall be so
14 construed to enable the district to fulfill the objects and
15 purposes of the district as set forth in section 3 of this
16 act.

17 Section 8. Franchises.--Any municipality, county, gas
18 district, or agency of such municipality, county, or gas
19 district, which is located wholly within the territorial
20 limits of the district, or any agency of the state, is hereby
21 empowered and authorized to enter into agreements, contracts,
22 and franchises with said district upon such terms and
23 conditions and for such periods of time as may be agreed upon,
24 provided no agreement, contract, or franchise shall extend
25 over a period exceeding 40 years.

26 Section 9. Eminent domain.--The powers of eminent
27 domain herein granted and conferred upon the district
28 incorporated under this act shall be exercised in the same
29 manner and subject to the same limitations as in the case of
30 counties in this state; provided the district shall have no
31 powers of eminent domain beyond its territorial boundaries.

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1 Section 10. Board of commissioners.--The district
2 shall have a board of commissioners, consisting of five
3 members. There shall be two members who shall live in the
4 corporate limits of the City of Apopka; there shall be two
5 members who shall live in the corporate limits of the City of
6 Winter Garden; and there shall be one member who shall live in
7 the corporate limits of the City of Clermont. Each
8 commissioner shall be appointed by the governing body of the
9 municipality in which he or she resides and shall serve for a
10 term of 2 years or until his or her successor is appointed in
11 like manner and qualified. The commissioners shall serve
12 without compensation; except that they shall be reimbursed for
13 actual expenses incurred in and about the performance of their
14 duties thereunder and at the direction of the board they may
15 be paid a fee of not exceeding \$100 for each board meeting
16 attended by them. Appointment to fill a vacancy shall be for
17 the unexpired term. The appointing authority may remove any
18 member of the board within the term within which he or she
19 shall have been appointed, after giving to such member a copy
20 of the charges against him or her and an opportunity to be
21 heard in his or her defense and the action of the appointing
22 authority shall be final and nonreviewable.

23 Section 11. Organization of the board;
24 officers.--After their appointment, the members of the board
25 of commissioners shall meet and organize. At such meeting,
26 the members of the board shall elect from their number a
27 chair. They shall also choose a secretary, who may, but need
28 not be, a member of the board, and such other officers,
29 agents, and employees as may appear to be desirable. One
30 person may serve both as secretary and treasurer.

31 Section 12. Authority of the board.--The board shall

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1 constitute the governing body of the district. The board
2 shall exercise all the powers of the district and shall do all
3 things necessary or convenient in acquiring, owning,
4 operating, developing, extending, improving, financing, and
5 refinancing the gas system or systems owned or to be owned by
6 the district, including, but not limited to, the adoption and
7 amendment of rules and regulations for the management and
8 conduct of its affairs and the enterprises in which it is
9 engaged; to use with the consent of any of its member
10 municipalities the agent, employees, or facilities or property
11 of such municipalities and to provide for the payment of the
12 agreed proportion of the costs therefor; to appoint officers,
13 agents, and employees, including attorneys, and to fix their
14 compensation, to provide for the execution of deeds,
15 indentures of trust, bonds, gas supply contracts, gas service
16 contracts, supervision contracts, and other instruments and
17 contracts of the district. Action of the board shall be taken
18 by resolution. Such resolution shall be effective immediately
19 upon adoption without posting or publication.

20 Section 13. Bonds of the district.--

21 (1) The bonds of the district shall be authorized by
22 resolution of the board and may be either term or serial
23 bonds, shall bear such date or dates, mature at such time or
24 times, not exceeding 40 years from their respective dates,
25 bear interest at such rate or rates not exceeding 6 percent
26 per annum, payable semiannually, be in such denomination, be
27 in such form, either coupon or fully registered, shall carry
28 such registration, exchangeability and interchangeability
29 privileges, be paid in such medium of payment and at such
30 place or places, be subject to such terms of redemption and be
31 entitled to such priority on the revenues, rates, fees,

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1 rentals, or other charges or receipts of the district as such
2 resolution or any resolution subsequent thereto may provide.
3 The bonds shall be executed either by manual or facsimile
4 signature, by such officer as the board may determine,
5 provided that such bonds shall bear at least one signature
6 which is manually executed thereon and the coupons attached to
7 such bonds shall bear the facsimile signature or signatures of
8 such officer or officers as shall be designated by the board
9 and shall have the seal of the board affixed, imprinted,
10 reproduced, or lithographed thereon, all as may be prescribed
11 in such resolution or resolutions.

12 (2) Such bonds may be sold either at public or private
13 sale at such price or prices as the board shall determine to
14 be in the best interest of the district, provided that the
15 interest cost to the district on such bonds shall not exceed 6
16 percent per annum. Pending the preparation of definitive
17 bonds, interim certificates may be issued to the purchaser or
18 purchasers of such bonds and may contain such terms and
19 conditions as the board may determine.

20 (3) Any such resolution or resolutions authorizing any
21 bonds hereunder may contain provisions which shall be part of
22 the contract with the holders of such bonds, as to:

23 (a) The pledging of all or any part of the revenues,
24 rates, fees, rentals, or other charges or receipts of the
25 district, derived by the district from the operation of its
26 gas system or systems;

27 (b) The completion, improvement, operation, extension,
28 maintenance, and repair of its system, and the duties of the
29 board, the district, and others with reference thereto;

30 (c) Limitations on the purposes to which the proceeds
31 of bonds then or thereafter to be issued, or of any loan or

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1 grant by the United States or the state may be applied,
2 (d) The fixing, charging, establishing, collecting of
3 rates, fees, rentals, or other charges for the use of the
4 services and facilities of the gas system of the district or
5 any part thereof;

6 (e) The setting aside of reserves, sinking funds, or
7 repair and replacement funds and the reservation and
8 disposition thereof;

9 (f) Limitations on the issuances of additional bonds,
10 the terms and provisions of any deed of trust or indenture
11 securing the bonds under which the same may be issued; and

12 (g) Any other or additional agreements with the
13 holders of the bonds which the board may deem desirable and
14 proper.

15 (4) The board may enter into any deeds or trusts,
16 indentures, or other agreements with any bank or trust company
17 within or without the state, as security for such bonds and
18 may, under such agreements, assign and pledge all or any of
19 the revenues, rates, rentals, fees, or other charges or
20 receipts of the district. Such deeds of trust, indentures, or
21 other agreements, may contain such provisions as is customary
22 in such instruments as the board may authorize, including, but
23 without limitation, provisions as to:

24 (a) The acquisition, construction, completion,
25 improvements, operation, extension, maintenance, repair, and
26 lease of the gas system or systems and the duties of the board
27 and others with reference thereto;

28 (b) The application of funds and the safeguarding of
29 funds on hand or on deposit;

30 (c) The rights and remedies of the trustees and the
31 holders of bonds; and

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1 (d) The terms and provisions of the bonds or
2 resolutions authorizing the issuance of the same.

3 (5) Any of the bonds issued pursuant to this act are
4 hereby declared to be negotiable instruments and shall have
5 all the qualities and incidents of laws of the state relating
6 to negotiable instruments.

7 (6) The bonds of the district and all matters
8 connected therewith may be validated pursuant to the
9 provisions of chapter 75, Florida Statutes, 1957, as in the
10 case of a district located in more than one county.

11 (7) The bonds or any other obligations of the district
12 shall not be a debt or obligation of the State of Florida, or
13 a debt or obligation of any county, or a debt or obligation of
14 any municipality which is a member of the district. The State
15 of Florida, any county, or any such municipality shall not be
16 liable in any way whatsoever thereon, and the holder of any
17 such bonds or obligations may not compel the levy of any taxes
18 for the payment thereof. The board shall have no power or
19 authority to levy or collect any ad valorem tax on any
20 property within the district and any such tax or assessment
21 levy is hereby specifically prohibited.

22 (8) No referendum or election shall be required for
23 the issuance of bonds of the district, except in such cases as
24 such referendum or election may be required by the
25 Constitution of the State of Florida.

26 Section 14. Remedies of the bondholders.--

27 (1) The rights and the remedies herein conferred upon
28 or granted to the bondholders shall be in addition to and not
29 in limitation of any rights and remedies lawfully granted to
30 such bondholders by the resolution or resolutions providing
31 for the issuance of bonds or by any deed or trust, indenture,

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1 or other agreement under which the bonds may be issued or
2 secured. In the event that the district defaults in the
3 payment of the principal of or interest on any of the bonds
4 issued pursuant to the provisions of this act after such
5 principal of or interest on said bonds shall have become due
6 whether at maturity or upon call for redemption, and such
7 default continues for a period of 30 days, or in the event
8 that the district shall fail or refuse to comply with the
9 provisions of this act or any agreement made with or for the
10 benefit of, the holders of the bonds, the holders of 25
11 percent in the aggregate principal amount of the bonds then
12 outstanding shall be entitled as of right, to the appointment
13 of the trustee to represent such bondholders for the purposes
14 hereof; however, such holders of 25 percent in the aggregate
15 principal amount of the bonds then outstanding shall have
16 first given notice of their intention to appoint a trustee to
17 the district. Such notice shall be deemed to have been given
18 if given in writing, and deposited in a securely sealed
19 postpaid envelope, mailed at a regularly maintained United
20 States Post Office box or station and addressed respectively
21 to the chair of the district at the principal office of the
22 district.

23 (2) Such trustee, and any trustee under any deed of
24 trust, indenture, or other agreement may, and upon written
25 request of the holders of 25 percent (or such other
26 percentages as may be specified in any deed of trust,
27 indenture, or other agreement aforesaid) in the principal
28 amount of the bonds then outstanding, shall, in any court of
29 competent jurisdiction, in his or her or its own name:

30 (a) By mandamus or other suit, action, or proceeding
31 at law or in equity, enforce all rights of the bondholders,

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1 including the right to require the district to fix, establish,
2 maintain, collect, and charge rates, fees, rentals, and other
3 charges, adequate to carry out any agreement as to, or pledge
4 of, the revenues or receipts of the district and to require
5 the district to carry out any other covenants and agreements
6 with or for the benefit of the bondholders, and to perform its
7 and their duties under this chapter.

8 (b) Bring suit upon the bonds.

9 (c) By action or suit in equity require the district
10 to account as if it were the trustee of any express trust for
11 the bondholders.

12 (d) By action or suit in equity enjoin any acts or
13 things which may be unlawful or in violation of the rights of
14 the bondholders.

15 (3) Any trustee when appointed as aforesaid, or acting
16 under a deed of trust, indenture, or other agreement, and
17 whether or not all bonds have been declared due and payable,
18 shall be entitled as of right to the appointment of a
19 receiver, who may enter upon and take possession of the system
20 or the facilities or any part or parts thereof, the rates,
21 fees, rentals, or other revenues, charges, or receipts from
22 which are, or may be applicable to the payment of the bonds so
23 in default, and operate and maintain the same, for and on
24 behalf of and in the name of, the district, and the
25 bondholders, and collect and receive all rates, fees, rentals,
26 and other charges or receipts or revenues arising therefrom in
27 the same manner as the district might do, and shall deposit
28 all such moneys in a separate account and apply the same in
29 such manner as the court shall direct. In any suit, action,
30 or proceeding by the trustee, the fees, counsel fees, and
31 expenses of the trustee, and said receiver, if any, and all

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1 costs and disbursements allowed by the court shall be a first
2 charge on any rates, fees, rentals, or other charges,
3 revenues, or receipts, derived from the system, or the
4 facilities or services or any part or parts thereof, which
5 said rates, fees, rentals, or other charges, revenues, or
6 receipts shall or may be applicable to the payment of the
7 bonds so in default. Such trustee shall, in addition to the
8 foregoing, have and possess all of the powers necessary or
9 appropriate for the exercise of any functions specifically set
10 forth herein or incident to the representation of the
11 bondholders in the enforcement and protection of their rights.

12 (4) Nothing in this section or any other section of
13 this chapter shall authorize any receiver appointed pursuant
14 hereto to sell, assign, mortgage, or otherwise dispose of any
15 of the assets of whatever kind and character belonging to the
16 district. It is the intention of this chapter to limit the
17 powers of such receiver to the operation and maintenance of
18 the system, or any facility, or part or parts thereof, as the
19 court may direct, in the name and for and on behalf of the
20 district, and the bondholders, and no holder of bonds of the
21 district nor any trustee, shall ever have the right in any
22 suit, action, or proceeding at law, or in equity, to compel a
23 receiver, nor shall any receiver be authorized or any court be
24 empowered to direct the receiver to sell, assign, mortgage, or
25 otherwise dispose of any assets of whatever kind or character
26 belonging to the district.

27 Section 15. Proceeds from the sale of bonds.--All
28 moneys derived from the sale of any bonds issued by the
29 district shall be used solely for the purpose or purposes for
30 which the same are authorized including any engineering,
31 legal, or other expenses incident thereto, and in the case of

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1 bonds issued in whole or in part for the construction of a gas
2 system or systems or any part thereof, interest on such bonds
3 (or, if a part only of the bonds are issued for the purpose of
4 such construction, on the part of such bonds issued for that
5 purpose) prior to and during such construction and for not
6 exceeding 3 years after completion of such construction and in
7 the case of bonds issued by the district for the purpose of
8 refunding outstanding bonds of such district, any premium
9 which it may deem necessary to pay in order to redeem or
10 retire the bonds to be refunded. The treasurer or other
11 officer designated by the board shall give a receipt for the
12 purchase price to the purchaser of any such bonds, which
13 receipt shall be full acquittal to such purchaser and he or
14 she shall not be under any duty to inquire as to the
15 application of the proceeds of such bonds.

16 Section 16. Disposition of net revenues.--All net
17 revenues derived from the system, the disposition of which the
18 district shall not have covenanted or contracted to otherwise
19 dispose of, shall be paid over to the municipalities which
20 shall be members of the district in such proportions as the
21 board from time to time shall fix and determine.

22 Section 17. Refunding bonds.--The board is hereby
23 authorized to provide by resolution for the issuance of
24 refunding bonds of the district for the purpose of refunding
25 any bonds then outstanding and issued under the provisions of
26 this chapter or any other law for the purpose of applying all
27 or a part of the cost of the system or extensions and
28 additions thereto. The board is further authorized to provide
29 by resolution for the issuance of a single issue of bonds of
30 the district for the combined purposes of:

31 (1) Paying the cost of any improvements, extensions,

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1 and additions to the existing system or of acquiring by
2 purchase or of constructing an additional system or systems;
3 and

4 (2) Refunding bonds of the district which shall
5 theretofore have been issued for such system and shall then be
6 outstanding and which shall then have matured or be subject to
7 redemption or can be acquired for retirement. The issuance of
8 such refunding bonds, the maturities and other details
9 thereof, the rights of the holders, and the duties of the
10 board and of the district in respect to the same, shall be
11 governed by the foregoing provisions of this chapter insofar
12 as the same may be applicable.

13 Section 18. Cooperation with other political
14 subdivisions, agencies, and individuals.--Express authority
15 and powers are hereby given and granted any county,
16 municipality, drainage district, road and bridge district,
17 school district, or any other political subdivision, board,
18 commission, or individual in, or of the state to make and
19 enter into with the district, contracts, leases, conveyances,
20 or other agreements within the provisions and purposes of this
21 chapter. The district is hereby expressly authorized to make
22 and enter into contracts, leases, conveyances, and other
23 agreements with any political subdivision, agency, or
24 instrumentality of the state, any and all federal agencies,
25 corporations, and individuals for the purpose of carrying out
26 the provisions of this chapter.

27 Section 19. Eligibility for investments and
28 security.--Any bonds or other obligations issued pursuant to
29 this chapter shall be and constitute legal investments for
30 banks, savings banks, trustees, executors, administrators, and
31 all other fiduciaries, and for all state, municipal, and other

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1 public funds.

2 Section 20. Consent of state agencies.--It shall not
3 be necessary for the district, in proceeding under this act,
4 to obtain any certificates of convenience or necessity,
5 franchise, license, permit, or other authorization from any
6 bureau, board, commission, or other like instrumentality of
7 the state or of Lake and Orange Counties, in order to
8 construct, acquire, or improve such system or systems, or to
9 exercise any of the powers granted in this act.

10 Section 21. The body corporate hereby created shall be
11 deemed to be owned and operated by the member municipalities.

12 Section 22. Covenants of the state.--The state hereby
13 covenants with the holders of any bonds or other obligations
14 issued pursuant to this act, and the coupons appertaining
15 thereto, that it will not in any manner limit or alter the
16 power and obligation vested by this act in the district to
17 fix, establish, and collect, in the manner provided in this
18 act, such fees, rentals, or other charges for the facilities
19 and services of such system or systems, and to revise the same
20 from time to time whenever necessary, as will always be
21 sufficient, together with any other pledged funds, to pay the
22 expenses of operation, maintenance, and repair of such system
23 or systems, and to comply fully with and fulfill the terms of
24 all agreements and covenants made by the district with holders
25 of such bonds or other obligations, until all such bonds or
26 other obligations, together with all interest accrued or to
27 accrue thereon, and all costs or expenses in connection with
28 any action or proceedings by or on behalf of the holders of
29 such bonds or other obligations are fully paid and discharged,
30 or adequate provisions made for the payment or discharge
31 thereof.

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1 Section 23. Use of public roads.--The district shall
2 not be authorized to use the right-of-way of any public roads,
3 whether state, county, or municipal, without first securing
4 the prior approval of the governmental agency having
5 jurisdiction thereof.

6 Section 24. If any rates, fees, or charges for the
7 services and facilities furnished by any gas system or systems
8 constructed or reconstructed by the district under the
9 provisions of this act shall not be paid when due, the
10 district may discontinue and shut off the supply of the
11 services and facilities of the system to the customer so
12 supplied with such services or facilities until such fees,
13 rentals, or other charges, including the interest, penalties,
14 and charges for the shutting off and discontinuance or the
15 restoration of such services or facilities are fully paid, and
16 for such purposes may enter on any lands, waters, and premises
17 of such delinquent customers, within or without the boundaries
18 of the district. Such delinquent fees, rentals, or other
19 charges, together with interest, penalties, and charges for
20 the shutting off and discontinuance or the restoration of such
21 services or facilities, and reasonable attorney's fees and
22 other expense may be recovered by the district by suit in a
23 court of competent jurisdiction. The district may also
24 enforce payment of such delinquent fees, rentals, or other
25 charges by any other lawful means of enforcement.

26 Section 3. Except as specifically reenacted herein,
27 chapter 59-556, Laws of Florida, 1959, and chapter 74-553,
28 Laws of Florida, 1974, are repealed.

29 Section 4. The contracts and obligations heretofore
30 made and incurred and other actions heretofore taken by the
31 Lake Apopka Natural Gas District shall not be impaired or

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1 otherwise affected by enactment of this codification of the
2 special acts referred to in Section 2, hereof, or by the
3 repeal of those special acts provided for therein.

4 Section 5. In the event any section or provision of
5 this act is determined to be invalid or unenforceable, such
6 determination shall not affect the validity of or
7 enforceability of each other section and provision of this
8 act.

9 Section 6. In the event of a conflict of the
10 provisions of this act with the provisions of any other act
11 the provisions of this act shall control to the extent of such
12 conflict.

13 Section 7. This act shall take effect immediately upon
14 becoming a law.

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16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 1, lines 2 through page 3, line 18,
20 remove from the title of the bill: all of said lines

21

22 and insert in lieu thereof:

23 An act relating to the Lake Apopka Natural Gas
24 District as created in portions of Orange and
25 Lake Counties; codifying the district's
26 charter, chapter 59-556, Laws of Florida, 1959,
27 as amended; providing that chapter 59-556, Laws
28 of Florida, 1959, and chapter 74-553, Laws of
29 Florida, 1974, be codified, reenacted, amended,
30 and repealed by this act; providing for a
31 codified charter consolidating all special acts

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1 pertaining to Lake Apopka Natural Gas District
2 into a single act and the re-creation of Lake
3 Apopka Natural Gas District, an independent
4 special district, for the purposes of
5 acquiring, constructing, owning, operating,
6 managing, maintaining, extending, improving,
7 and financing one or more gas distribution
8 systems, or one or more gas transmission
9 systems, or gas transmission and distribution
10 systems, for the use and benefit of its member
11 municipalities of Apopka, Winter Garden, and
12 Clermont, and for the benefit of the public and
13 other users of gas in the district including
14 such other municipalities to which the district
15 may sell gas; authorizing counties,
16 municipalities, and districts to enter into
17 franchise agreements with the district;
18 providing for a board of commissioners, and the
19 governing body of the district to exercise the
20 powers of the district and direct its affairs;
21 providing officers for the district,
22 authorizing the district to issue and sell
23 revenue bonds payable solely from the revenues
24 of its gas system or systems; authorizing and
25 providing for the judicial validation of such
26 bonds; providing for the adoption of
27 resolutions or the execution and delivery by
28 the district of other instruments of security
29 for the benefit of the holders of such bonds;
30 providing for the remedies and rights available
31 to the holders of the bonds or certificates;

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1 prohibiting the district from any exercise of
2 the power of taxation; providing that the bonds
3 of the district and the interest thereon shall
4 be tax exempt; providing that the resolutions,
5 deeds, trust indentures and other instruments
6 of, by, or to the district shall be tax exempt;
7 providing for the use and utilization and
8 distribution of the revenues of the gas systems
9 of the district, regulating the use of the
10 proceeds from the sale of any such bonds or
11 proceeds from the sale of any such bonds or
12 certificates, making such bonds or certificates
13 legal investments for banks, trust companies,
14 fiduciaries and public agencies and bodies;
15 providing for the use of the public roads by
16 the district; providing a covenant by the State
17 of Florida not to alter the provisions of the
18 act to the detriment of the holders of bonds or
19 certificates of the district and making
20 provisions with respect to the acquisition,
21 construction, maintenance, operation, financing
22 and refinancing of the gas system or systems by
23 the district; authorizing the district to issue
24 and sell refunding bonds, and providing for the
25 collection of the fees, rentals or other
26 charges for the services of the gas system;
27 authorizing the district to require customers,
28 as a condition of receiving goods and services
29 from the district, to make a cash deposit to
30 assure payment for charges made by the district
31 for such goods and services and to accept

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1 surety bonds, letters of credit, and other
2 forms of financial guaranty in lieu of such
3 cash deposits; to provide that the contracts
4 and obligations heretofore entered into or
5 incurred and the actions heretofore taken by
6 Lake Apopka Natural Gas District shall not be
7 impaired or otherwise affected by this
8 re-enactment and codification of its enabling
9 legislation; providing an effective date.

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